

REMARKS

The Office Action dated August 21, 2002 has been read and carefully considered and the present amendment submitted to make certain clarification to the claim language.

In that Office Action, claims 1-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hetrick *et al*, U.S. Patent 5,831,862 in view of Peters, U.S. Patent 5,769,269 and Ishizaki *et al*, U.S. Patent 5,884,140.

Accordingly, claims 1-6 have been cancelled, without prejudice, and new claims 7-12 submitted herewith, in order to better define the present invention and to secure an allowance of the present application.

First of all, it is noted that the present Office Action differs from the prior Office Action in the statement that the Examiner has now indicated that reference 31 in Ishizaki *et al*. “denotes card type selecting buttons, which serves as service selection; and display 32 for displaying a service message to the customer (fig. 3; col. 5, lines 14-46).”

According to that statement, the Examiner then concluded that “it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ishizaki *et al*. into the teachings of Hetrick *et al*./Peters...”

The Examiner contends that the feature of selecting a desired method of payment disclosed in Ishizaki *et al* would be similar to feature (1C) and to a service selection push button (portion of feature (1B) not disclosed in Hetrick *et al*).

It is submitted that the teachings of Ishizaki *et al* merely refer to a desired method of payment (negotiable instrument, debit, credit, etc.), but not to the whole meaning of service implied in the present invention. Then, strictly speaking, it may not be inferred that the payment means provided in Ishizaki *et al* is comparable to the mentioned features of the present invention; therefore features (1B), (1C) are not disclosed in Ishizaki *et al*.

Also, claims 11 and 12 dependent on claim 7 in the present invention, could in no case be viable if the rendered service would be the service taught in Ishizaki *et al*:

it would make no sense “*to simultaneously and independently operate dispensing products while the service included by the module thereof is being rendered*”,

as the service according to Ishizaki *et al* is selecting a desired method of payment of the product purchased by a user, which, depending on the design of the system, might be done in advance or after the purchase of the product. In other words, a service as the one disclosed in Ishizaki *et al* could not be a service rendered to a user for which said user might be charged.

As such, it would seem to be clear that there is a substantial difference between the service rendered in the present invention and the “service” disclosed in Ishizaki *et al*.

With respect to Peters, the closest features to rendering a service could be found in:

- claim 4, wherein voice communications take place between a customer and a service center operator, but not between a customer and another customer;
- claim 10, wherein communications occur between vending machines and between vending machines and a central station.

As for Hetrick *et al*, that reference does not disclose what might be considered equivalent to rendering a service as the one disclosed and claimed in the present invention.

Accordingly, Applicant disagrees with the arguments of the Examiner because the Examiner associates rendering a service with the availability of choosing a method of payment, bearing in mind what Ishizaki *et al* discloses, it might be understood that the system described therein serves for rendering a service. The service would be in this case selling information (column 15, lines 21-53), which would seem to be closer to a service as the one rendered by the present invention than the type of service considered by the Examiner.

Even then, however, Ishizaki *et al* does not offer an interactive service wherein a user does take part in the service. The service rendered in Ishizaki *et al* merely comprises providing information to a user, which, at worst, could be considered as a piece of information to be delivered and therefore a product to be purchased, whereas in the present invention the user is an active part in said service.

Set forth below are excerpts of the description as originally filed supporting and describing the nature of the service rendered in the present invention:

Section "Object of the invention":

- "rendering of a service, such as for example, a telephone service, connection to Internet," (page 2, lines 12-13);
- "telephone service" (page 2, line 21);
- "a user uses one of the possible services, such as for example talking on the phone," (page 2, lines 28-29);

- “the combination in a vending machine of the selling of products with the rendering of services, something which has been done up until now by independent means, namely, in another machine or apparatus.” (page 2, line 32 - page 3, line 1);

Section “Field of use”:

- “telephone service” (page 3, line 6);

Section “Description of a preferred embodiment”:

- “a service to be rendered, being in this case, a telephone service,” (page 6, lines 1-3);
 - “the rendering of a service with a variable cost, such as for example, the telephone service, the connection to Internet,” (page 6, lines 15-17);
 - “Logically, for the correct operation of the service that the automatic machine (1) includes, there will be the auxiliary devices necessary for this purpose, depending on the service to be rendered, and hence, it may have a microtelephone, a loudspeaker, a keyboard, some headphones, a personal computer, screens, etc.” (page 7, lines 29-34);
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- “The control electronics establishes the service and determines the cost thereof in terms of the time and the rates existing for this purpose.” (page 8, lines 21-23);
 - “the user wishes to end the rendering of the service” (page 8, lines 31-32);
 - “as the service to be rendered, has a telephone service,” (page 9, lines 9-10);
 - “telephone service” (page 9, line 16);

- “for the automatic vending machine (1) to operate as a telephone service server,” (page 10, lines 2-3);
- “The telephone service control electronics (19) determines the cost of the telephone call in terms of the time and rates established for this purpose” (page 10, lines 15-17);

It may be clearly appreciated in these excerpts that:

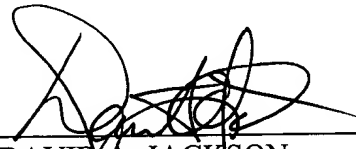
- on the one hand, the user plays an active part when he/she chooses a service to be rendered;
- on the other hand, the service rendered itself involves a cost.

Taking into account the arguments put forward in this response to the Final Action as well as those in the response to the first Office Action pointing out the considerable differences between the present invention and those disclosed in the cited documents, it is further submitted that the combination of the teachings of these documents would not lead to the present invention.

Bearing in mind all that has been said, Applicant submits that the differentiating characteristics mentioned above show that the newly submitted claims in the present patent application are patentable over Hetrick *et al* in view of Peters and Ishizaki *et al*.

Accordingly, with the aforescribed amendments to the specification and the claims, it is submitted that the claims in the present application are all in allowable form and an allowance of the present application is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David A. Jackson', is written over a horizontal line.

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